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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,320	03/31/2004	Paul Philip Brown	155-20	5169
22653	7590	01/31/2006		
EDWARD W CALLAN NO. 705 PMB 452 3830 VALLEY CENTRE DRIVE SAN DIEGO, CA 92130			EXAMINER HEITBRINK, JILL LYNNE	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/814,320	BROWN ET AL.	
	Examiner	Art Unit	
	Jill L. Heitbrink	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 19-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/2/05, 11/5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election of Group II, claims 10-18 in the reply filed on Nov. 18, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. The disclosure is objected to because of the following informalities: The status of the application on page 6 should be updated.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10-13, 16,17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Namba et al. US Application Pub. 2001/0050287 (which is equivalent to European Patent 1,157,943).

5. Namba discloses a process for combining a plurality of mold parts to configure a mold cavity and at least one gate to inject plastic material and the step of injecting the plastic material into the cavity [0044]. This mold cavity forms a base wall 3b, a rim 2 and a sidewall 3a. The sidewall has a plurality of vertical ribs 7 which form in corresponding mold cavity portion similar to primary flow guides [0045]. The mold cavity is narrow between the primary flow guides (forming vertical ribs 7) so as to produce the thin sidewall portions 3a. The subsidiary ribs 14a, 14b, 14c and holding rib

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15 are formed perimetric and parallel by the configuration of the mold cavity, and these ribs would be formed by portion which inherently are secondary flow guides since they would direct the flow into the narrow sidewall portion 3a. The subsidiary ribs 14a, 14b, 14c and holding rib 15 are formed at offset steps for nesting as shown in the figures of Namba.

6. Claims 10-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Japanese Publication 2000-226079.

7. JP '079 shows an injection molding vessel of similar shape to that claimed, including ribs 7 which would be formed by primary flow guides, ribs 10 with steps which would be formed by secondary flow guides.

8. Claims 10-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by German reference 2855501 to Blattert.

9. Blattert discloses injections molding a container having vertical and perimeter ribs wherein the ribs of the ring are offset relative to each other by half a pitch. The ribs do not impede the removal of the container from the mold cavity.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Namba et al. US Application Pub. 2001/0050287 (which is equivalent to European Patent 1,157,943) taken together with Dart Pat. No. 4,420,081.

12. Dart teaches the thin sidewall segments 14 and 15 being offset from each other outwardly by the thicker step segments 16, see col. 2, lines 29-35. The angle of the steps have an upward slop 17 which is shown to be similar to 45 degrees, see col. 4, lines 23-27. The steps providing an offset between the thin sidewall sections and having an upward slope of approximately 45 degrees would have been obvious in Namba since as shown by Dart this provides a more stable stack of nestable cups.

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Namba et al. US Application Pub. 2001/0050287 (which is equivalent to European Patent 1,157,943), Japanese Publication 2000-226079, German reference 2855501 to Blattert, or Namba et al. US Application Pub. 2001/0050287 (which is equivalent to European Patent 1,157,943) taken together with Dart Pat. No. 4,420,081 as applied to claim 10 above, and further in view of Brown et al., European Publication 1,174,238.

14. Brown '238 teaches a secondary flow guide (anyone of 21) extending from only one primary flow guide 22. It would have been obvious to a person of ordinary skill in the art to provide a flow guide which extends from another flow guide without rejoining so as to avoid the inclusion of gaseous voids when flowing through the cavity.

Allowable Subject Matter

15. Amending claim 10 to include "some of the step sections including the secondary flow guides extending from only one of the primary flow guides" (narrower than "at least some" which is in claim 18) is considered to distinguish patentably over the art of record in this application.


16. The prior art does not teach some of the step sections including the secondary flow guides extending from only one of the primary flow guides.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill L. Heitbrink whose telephone number is (571) 272-1199. The examiner can normally be reached on Monday-Friday 9 am -2 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jill L. Heitbrink
Primary Examiner
Art Unit 1732

jlh